REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on October 17, 2005. Claims 1-34 are standing for examination. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Loveland et al. (6,782,413 B1) hereinafter Loveland.

Applicant points out in the last Office Action the Examiner rejected the claims under the judicially created doctrine of double patenting over claims 1-8 of U.S patent no. 6,389,007 and over claims 1-32 of co-pending application No. 09/766,271. In response, applicant presented arguments stating the double patenting rejections were baseless. In the present Office Action the Examiner states that applicant's arguments are moot in view of new grounds of rejection, although the double patenting rejections are not represented by the Examiner. Applicant will assume that the lack of said double patenting rejections being presented in the current Office Action means that applicant's arguments are persuasive and the rejections have been withdrawn. Additionally the Examiner also refers to Loveland-Reynolds when making comments regarding the teachings used against applicant's claims. Applicant assumes this is an error by the Examiner because only a 102 rejection is presented using just the art of Loveland.

Regarding the standing 102 rejection, applicant has carefully noted and reviewed the rejection, reference of Loveland and the Examiner's comments. Applicant herein presents arguments to clearly show the reference as provided by the Examiner clearly fails to teach the subject matter of applicant's claims as alleged by the Examiner.

Applicant points out that this is the fifth response submitted by the applicant to the Examiner's rejections and comments. Applicant, again, asserts that, in view of the art presented against the present application, the Examiner simply does not understand or is not dealing with all of the limitations recited in applicant's claims. Clearly, the Examiner does not give patentable weight to key limitations contained in the base claims of applicant's invention. When examining the history of this prosecution, it is clear the

Examiner does not adequately understand or respond to the arguments presented by applicant.

Regarding the 102 rejection against claim 1, the Examiner states that Loveland discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising: a first server node [Loveland, first network server 142, Fig 2] connected to the information-source facility and to the network [Loveland, WAN, Internet, Fig 2].

Applicant disagrees with the Examiner's above interpretation of Loveland. Applicant argues that Loveland does not teach a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility. Loveland teaches two LANs 112 and 120 communicating via separate links for voice and data over a WAN. The Examiner equates server 142 to the first server recited in applicant's claim 1. Server 142 in Loveland, as depicted in Fig. 2, is connected to the WAN, which is clearly limited to PSTN, ISDN, T1, etc. The Internet is listed as being connected to server 112 in a separate LAN 112, not to server 142, as suggested by the Examiner.

The Examiner states that Loveland teaches a second server a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Loveland, network server 114, Fig 2; remote access server 194, Fig 4; application server 186, Fig 4];

Applicant argues that the Examiner equates the second server as claimed in applicant's invention with one of a plurality of servers shown in Figures 2 and 4, being server 114 as shown in LAN 112 (Fig. 2), remote access server manager 194 (Fig. 4) and application server 186 (Fig. 4). Applicant claims that the second server is connected to the first server node and the network. Applicant points out that there is no direct connection between server 142 in LAN 120 and servers 114, 194 and 186 in LAN 112, as claimed in applicant's invention.

The Examiner states that Loveland teaches a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance [Loveland, computer appliances, col. 5 line 20].

Applicant argues that the Examiner has not shown in the figures or the specification of Loveland, which appliances have the connection structure as claimed. col. 5, line 20 of Loveland, as referenced by the Examiner, is not clear and only makes vague teachings as to computerized devices.

The Examiner states Loveland teaches a software application distributed on at least the first and second server-nodes [Loveland, Call Control APIs 182, Fig 4], the software application enabling distribution of the agent status information [Loveland; user status variables, col. 13 lines 9-55]: wherein the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information, the agent- status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user [Loveland, find me status function, col. 12 lines 38-col 13 line 55].

Applicant respectfully disagrees with the Examiner's above interpretation of Loveland. Applicant argues that Loveland does not give status of a call to a requesting user, operating the network-capable appliance, prior to actually placing the call as claimed. Loveland teaches an IMR application used by an agent to set up forwarding rules etc. to deal with incoming calls (col. 12, lines 17-20).

Applicant argues that the Examiner is still ignoring one of the key limitations of applicant's invention wherein the user, operating the network-capable device, receives the agent status information from the second server, via the first server, before initiating contact with the agent or agents of the information-source facility. Further, there is no connection and communication function between any of the servers referenced by the Examiner which gather and provide agent status information as claimed. The user calls on a cell phone, standard phone or places a call on a Web site and is routed, leaves a message or is called back accordingly.

Applicant does not believe the Examiner has brought a clear and convincing prima facie case of anticipation against applicant's claim 1 for at least the reasons given

above. Therefore, claim 1 is clearly patentable over the art of Loveland. Claims 2-18 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant's method claim 19 includes limitations argued on behalf of claim 1 and is patentable accordingly. Claims 20-34 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art presented by the Examiner, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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